

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 10, 2009
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, March 10, 2009 at 9:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responding to roll call: Horace Dannehl, Kent Greder, William McMullen, Sherry Morrow and Richard Pierce. Absent: Ivan Klein and Timothy Loewenstein. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present at this time to address the Board.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve March 3, 2009 minutes
2. Accept reports
 - Buffalo County Treasurer February 2009 Fund Balance Report
 - Buffalo County Detention Center Report for February 2009
 - Buffalo County Clerk of District Court February 2009 Report

JUSTICE CENTER PROJECT

Buster Beckenhauer, Construction Manager of the Justice Center Project was present for updated reports and discussion with the Board on Phase 1B and Phase 1C of the construction project. Moved by Morrow and seconded by Dannehl to approve the following change request order numbers 13, 14, 15, 16 and 17. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Charles McGraw and Ed Butler from Community Action Partnership of Mid Nebraska RYDE program were present to discuss future plans of leasing a portion of the Buffalo County property formerly known as the U.S. Army Reserve Center located at 321 Central Avenue, Kearney, Nebraska. This will be turned over to the Building and Grounds Committee to work out a plan with RYDE and to bring an agreement back to the Board at a later time for approval.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. The State of Nebraska Emergency Management Agency sent correspondence regarding the Homeland Security Grant Monitoring Visit. Nebraska Community Improvement Program sent notice of the 2009 Awards Guide and Training. Communication was also received from Charter Communications and Nebraska Public Agency Investment Trust (NPAIT). Notice was sent for a Wage-hour and FMLA Seminar for Nebraska Public Agencies. The Educational Service Unit 10 sent an invitation to their open house of the expanded and remodeled facility. Correspondence was also received regarding the Stimulus allocations and the NACo E-Newsletter was received. Chairman Pierce then called on each Board member present for committee reports and recommendation.

Jeanne Pope and Katie Simmons from the Shelton Township Library Board came before the Board with a presentation about their goals, building information, library accreditation, programs and services offered, budget and comparison to other

libraries. The main purpose of the presentation was to improve their own local government revenue and asked the Board to consider increasing their levy allocation at budget time.

Deputy County Attorney Andrew Hoffmeister was present to explain the reason for amending the Industrial Zoning Resolution 2008-13. Moved by McMullen and seconded by Greder to approve the following Resolution 2009-14 to amend the legal description in Resolution 2008-13. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Morrow and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

RESOLUTION 2009-14

WHEREAS, on or about March 25, 2008 in Resolution #2008-013 this Board changed and expanded boundaries of industrial area as defined and allowed in Neb. Rev.Stat. Section 13-1101, et. Seq., and

WHEREAS, when the Resolution was presented for filing with the Register of Deeds, irregularities in the legal description of the property were discovered, and

WHEREAS, upon advice of legal counsel, this Board believes that a more fully stated and corrected legal description is in the best interests of all parties concerned and that this action is strictly a ministerial act in correcting the record,

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISERS THAT the legal description stated in Resolution #2008-013 shall be amended to read as follows:

A tract of land located in Sections Twenty-eight (28) and Thirty-Three (33), Township Nine (9) North, Range Fifteen (15), West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: referring to the N¼ corner of said Section 33; thence N 89°49'55" E (assumed bearing) on the north line of said section 33, 71.36 ft. to a point on the west right-of-way line of existing Airport Road (also known as Avenue "A" as shown on Midway Industrial District plat, but never dedicated), said point being the point of beginning; thence N 07°25'20" E on said west right-of-way line of existing Airport Road, 1614.54 ft.; thence S 82°34'40" E, 66.00 ft. to a point on the east right-of-way line of said existing Airport Road; thence S 07°25'20" W on said east right-of-way line of existing Airport Road, 112.60 ft.; thence along a 890.00 ft. radius curve to the left, 372.12 ft. (long chord bears S 04°33'20" E, 369.41 ft.); thence S 16°32'01" E, 2223.53 ft. to a point on the north right-of-way line of Highway 30; thence on said north right-of-way line of highway 30 for the next two (2) courses:1) S 75°15'33" W, 616.64 ft., 2) S 73°30'33" W, 518.83 ft. to a point on said west right-of-way line of existing Airport Road; thence N 07°25'33" E on said west right-of-way line of existing Airport Road, 1333.86 ft. to the point of beginning, containing 33.83 acres, more or less.

IT IS FURTHER RESOLVED, that a copy of this Resolution shall be filed against the described property with Resolution #2008-013. Additionally the Buffalo County Register of Deeds is authorized and requested to make notation this amendment against filing of Resolution #2008-013.

Chairman Pierce opened the public hearing at 10:03 A.M. to discuss excess property owned by Buffalo County. Discussion was held regarding the property formerly known as the McCue's property located at 2012 Avenue A, Kearney, Nebraska. Chairman Pierce recessed the public hearing until March 24, 2009 at 10:00 A.M.

Moved by McMullen and seconded by Dannehl to accept the low bid of Kearney Implement for One New 2009 John Deere 6430 Tractor in the amount of \$54,800.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Morrow and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Morrow and seconded by Dannehl to accept the low combined bid of Midland Contracting and Wilke Contractors in the amount of \$391,120.00 for Reinforced Concrete Box Culverts. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by McMullen and seconded by Dannehl to accept the following low gravel bids: Ed Broadfoot & Sons, Zone 8, 9 and 10; Broadfoot Sand & Gravel, Zone 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21; Mid-NE Aggregates, Zone 18, 22, 23, 24, 25 and 26; T & F Sand & Gravel, Zone 1, 2, 3, 4, 5, 6 and 7. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Dannehl and seconded by Morrow to accept the low bid of Vontz Paving for the Maintenance Overlay Projects of Coal Chute Road and Shelton North for the amount of \$857,441.13 for the Asphaltic Concrete Resurfacing Bid. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Dannehl and seconded by McMullen to authorize Buffalo County Board Chairman Pierce to sign on behalf of Buffalo County the Interlocal Agreement with Sherman County for Buffalo County Project No. C10 (578) and Sherman

County Project No. C82(229) County Line Bridge Replacement Project. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Greder, Morrow and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Buster Beckenhauer from Beckenhauer Construction returned to the Board meeting for general discussion on additional change request orders that will be forth coming. No action was taken at this time.

Moved by Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:50 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members voted “Aye”. None voted “Nay”. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present. Chairman Pierce opened the public hearing for the Exemption Application for Developmental Services of Nebraska Inc. No one was present to speak either for or against the exemption. Chairman Pierce closed the public hearing at 10:53 A.M. Moved by McMullen and seconded by Greder to approve the exemption application on personal property as recommended by County Assessor Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Morrow and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Morrow and seconded by Greder to approve tax list corrections 3532 through 3543 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Dannehl, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Dannehl and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Community Action Partnership of Mid-Nebraska on a 2010 International Reefer. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Greder, Morrow and McMullen. Abstain: Pierce. Absent: Klein and Loewenstein. Motion declared carried.

Moved by Dannehl and seconded by Greder to recess the Board of Equalization at 10:55 A.M. and to return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Greder, Morrow, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

REGULAR AGENDA

Supervisor Klein arrived at the meeting at 11:00 A.M. Discussion was held about the established date of Buffalo County that has been placed on the Buffalo County Seal. Searching historical records it was discovered that in 1855 the name and boundaries of Buffalo County were defined. The Buffalo County Seal will be changed to the 1855 year rather than the 1864 originally placed on the seal.

At 11:08 A.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until the meeting on Tuesday, March 17, 2009 at 9:00 A.M Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.